

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROMEO COSCIA,	:	NO. 2:02-cv-3655
	:	
Plaintiff,	:	
	:	
VS.	:	
	:	
SALVATORE CAPONE,	:	
	:	
Defendant.	:	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

CHARLES B. SMITH  
UNITED STATES MAGISTRATE JUDGE

Plaintiff, Romeo Coscia, brought this action against defendant, Salvatore Capone, on June 7, 2002, pursuant to this Court's jurisdiction under 28 U.S.C. § 1332. Plaintiff alleges that he lent defendant \$140,000 in February of 1999, which he has yet to recover. As plaintiff failed to appear for trial, the Court has considered the testimony of defendant and finds no grounds upon which to impose liability on defendant.

I. FINDINGS OF FACT

1. Plaintiff Cosica asserted, in his Complaint, that he loaned defendant Capone the sum of \$140,000, which he now seeks to recover.

2. Despite being given ample time to do so, plaintiff failed to adduce any proof, testimonial or otherwise, suggesting that any such loan occurred.

3. Based on the testimony of defendant Capone, plaintiff Coscia did not loan any money to Capone.

II. CONCLUSIONS OF LAW

1. Plaintiff failed to meet his burden of proving, by a preponderance of the evidence, that he loaned the defendant the sum of \$140,000.
2. Plaintiff is not entitled to recover from the defendant.
3. Judgment shall be entered in favor of defendant.

An appropriate judgment follows:

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROMEO COSCIA,	:	NO. 2:02-cv-3655
	:	
Plaintiff,	:	
	:	
VS.	:	
	:	
SALVATORE CAPONE,	:	
	:	
Defendant.	:	

JUDGMENT

AND NOW, this *30th* day of *September*, 2004, following a non-jury trial before the undersigned on September 29, 2004, it is hereby ORDERED that JUDGMENT is entered in favor of defendant Salvatore Capone and against plaintiff Romeo Coscia.

It is so ORDERED.

BY THE COURT:

---

CHARLES B. SMITH  
UNITED STATES MAGISTRATE JUDGE